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Acting Under Authority Conferred by 28 U.S.C. § 515
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Attorneys for the United States

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE SUSUMO AZANO MATSURA (1),
aka Mr. A.,
aka Mr. Lambo,
RAVNEET SINGH (2),
aka Ravi Singh,
ELECTIONMALL, INC. (3),
MARCO POLO CORTES (4),

Defendants.

Case No. 14CR0388-MMA

Date: December 15, 2015
Time: 9:00 a.m.

**JOINT MOTION TO EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT
FROM DECEMBER 8-15, 2015**

The United States of America and the above-captioned defendants, who are on bond, jointly move to exclude from the Speedy Trial Act calculations the time from December 8-15, 2015, because: (1) there are pretrial motions pending that require a hearing, *see* 18 U.S.C. § 3161(h)(1)(D); and (2) the ends of justice served by granting the continuance and by excluding time outweigh the best interests of the public and the defendants in a speedy trial, *see* 18 U.S.C. § 3161(h)(7)(A).

The following facts support the requested time exclusion:

1. On October 6, 2015, this Court excluded time under the Speedy Trial Act from October 6 until the December 8, 2015 status hearing, based on pending pretrial motions and the ends of justice. On December 1, 2015, at the joint request of counsel, the

1 Court entered a Minute Order continuing the status hearing from December 8 to
2 December 15, 2015, but the reasons for excluding this additional time under the Speedy
3 Trial Act have not yet been set forth in the record.

4 2. There are pending pretrial motions that require a hearing. *See* Doc. 101.

5 3. As for the “ends of justice” time exclusion, the reasons mentioned at the
6 October 6 motion hearing – as well as in this Court’s March 26, 2015 Speedy Trial Act
7 time exclusion order, Doc. 93 – justify the exclusion of time for at least an additional
8 week, until December 15, 2015.

9 4. In addition, on December 1, 2015, the U.S. Attorney’s Office briefed defense
10 counsel on a number of new counts in the forthcoming second superseding indictment (as
11 well as related new discovery), which may alter the defense strategy and preparations. At
12 a minimum, the defense must re-evaluate trial tactics, motions *in limine*, and the
13 voluminous evidence in this case, which will require at least an additional week of
14 preparation.

15 5. In light of this new information, failure to exclude the requested additional
16 week of time would result in a miscarriage of justice, as it is unreasonable to expect
17 adequate preparation for pretrial motions *in limine* or for the trial itself within 70 days,
18 absent the requested time exclusion.

19 For the foregoing reasons, the parties jointly move this Court to exclude time under
20 the Speedy Trial Act for the reasons stated.

21 Respectfully submitted,

22 ALANA W. ROBINSON
23 Attorney for the United States
24 Acting Under 28 U.S.C. § 515

25 DATED: December 8, 2015

26 /s/ Andrew G. Schopler
27 ANDREW G. SCHOPLER
28 HELEN H. HONG
Assistant U.S. Attorney

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1 DATED: December 8, 2015

/s/ *Knut S. Johnson*
KNUT S. JOHNSON
Counsel for Mr. Azano (1)

4 DATED: December 8, 2015

/s/ *Michael L. Lipman*
MICHAEL L. LIPMAN
JASON M. OHTA
Duane Morris LLP
Counsel for Mr. Singh (2)

8 DATED: December 8, 2015

/s/ *Frank T. Vecchione*
FRANK T. VECCHIONE
Counsel for ElectionMall, Inc. (3)

11 DATED: December 8, 2015

/s/ *Nancy B. Rosenfeld*
NANCY B. ROSENFELD
Counsel for Mr. Cortes (4)

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UNITED STATES OF AMERICA,

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aka Mr. A.,
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ELECTIONMALL, INC. (3),
MARCO POLO CORTES (4),

Defendants.

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury that I have served the foregoing document on the above-captioned party(ies) by:

- ☒ electronically filing it with the U.S. District Court for the Southern District of California using its ECF System, which electronically notifies the party(ies).
- ☐ causing the foregoing to be mailed by first class mail to the parties identified with the District Court Clerk on the ECF System.
- ☐ causing the foregoing to be mailed by first class mail to the following non-ECF participant at the last known address, at which place there is delivery service of mail from the United States Postal Service:

Executed on December 8, 2015.

/s/ Andrew G. Schopler
ANDREW G. SCHOPLER
Assistant U.S. Attorney